

REMARKS

This Amendment is being filed in response to the Office Action mailed November 27, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 and 15-32 remain in this application, where claim 14 has been canceled by this amendment without prejudice and claims 27-32 have been added.

By means of the present amendment, claims 1-13 and 15-26 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and deleting reference designations typically used in European practice that are known to not limit the scope of the claims.

Claims 1-13 and 15-26 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

The Office Action indicates that the oath or declaration is defective requiring a new oath or declaration since 37 CFR 1.56(a)

is referred to instead of 37 CFR 1.56. A new oath or declaration is being obtained and will be filed upon receipt.

In the Office Action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended to remove the informalities noted by the Examiner, as well as other informalities. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 1, 3-4, 9-10, 13-14 and 26 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,901,210 (Heo). Further, claims 21-24 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0181376 (Acker). Claims 2, 5, 7-8 and 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Acker. Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of U.S. Patent Application Publication No. 2002/0131767 (Auwens). Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of U.S. Patent No. 6,636,958 (Abboud). Claims 16-17 are rejected under 35 U.S.C. §103(a) as

allegedly unpatentable over Heo in view of U.S. Patent Application Publication No. 2003/0103429 (Senshu). Claim 18 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of U.S. Patent No. 6,792,437 (Rafanello). Claims 19-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of U.S. Patent Application Publication No. 2003/0009334 (Printz). Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of U.S. Patent Application Publication No. 2002/0064111 (Horie). It is respectfully submitted that claims 1-30 and 32-41 are patentable over Heo, Acker, Auwens, Abboud, Senshu, Rafanello, Printz and Horie for at least the following reasons.

On page 5 of the Office Action, in rejecting claim 14, column 6, lines 43-56 of Heo is cited to allegedly show "wherein said access means is arranged to write to said navigation area a location information of data accessed at a rate higher than an access pattern information for sequential data retrieval," as recited in independent claim 1, and similarly recited in independent claims 21 and 26.

It is respectfully submitted that the noted section of Heo

merely discloses accessing a CD having 8x-speed or faster transmission rate. This in no way teaches or suggests writing at a rate higher than an access pattern information for sequential data retrieval, as recited in independent claims 1, 21 and 26. Acker, Auwens, Abboud, Senshu, Rafanello, Printz and Horie do not remedy the deficiencies in Heo.

Accordingly, it is respectfully submitted that independent claims 1, 21 and 26 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-13, 15-20, 22-25 and 27-32 should also be allowed at least based on their dependence from independent claims 1, 21 and 26.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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